

DETAILED ACTION

Status of Claims

1. Due to communications filed 6/15/09, the following is a final office action. Claims 1-18, 21-28 and 41-60 are cancelled. Claims 19, 20, 36-40, 61 and 63 have been withdrawn. Claims 29-35 and 62 have been amended. Claims 29-35 and 62 are pending in this application and have been examined on the merits. Claims 29-35 and 62 are rejected as follows. The previous rejection has been adjusted to reflect claim amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-31, 33-35, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641 in view of Goldstein et al., U.S. Patent No. 6,216,227.

As per claim 29, Lewis teaches an electronic ticket management method employing an event organizer apparatus for planning an event, an electronic ticket distribution authentication apparatus for distributing electronic ticket information which authenticates a right to attend the event, an information storage chip for storing the electronic ticket information, and an electronic ticket platform center for managing the distribution of the electronic ticket information, the electronic ticket management method comprising:

forming event information unique to the event, forming seller information authorizing the electronic ticket distribution authentication apparatus to sell electronic tickets to the event, registering the event information and the seller information in the electronic ticket platform center by the event organizer apparatus, ([0006], [0010], and [0020], lines 10-22 shows that the system is further capable of connecting or finding a website being hosted by a vendor computer system, and the customer computer is allowed access to the vendor computer system through the ISP system by use of a commonly available web browser or similar software package, also in [0022], it is shown that a validation system connected to or associated with the vendor computer system is placed at the location or site of the event, and a ticket is used at the validation system in order to enter the event, where information read or entered from the ticket is transmitted from the validation system to the vendor computer system, where it is verified that the ticket is valid for the event, and then a signal is sent from the vendor system to the validation system which permits the customer to enter).

receiving a request to distribute the electronic ticket information concerning a plurality of electronic tickets for the event from a user of the information storage chip (Lewis: paragraphs 0005; 0020; 0026; 0028; 0030),

performing distribution authentication processing for determining whether the electronic ticket information is to be distributed to the user, registering an authentication result in the electronic ticket platform center as ticket issuing information by the electronic ticket distribution authentication apparatus (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030; The customer pays for the ticket and a record of the transaction is created in the vendor computer system/main computer system.) and

forming an electronic ticket information master based on the event information registered by the event organizer apparatus (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030)

relating the ticket issuing information registered by the electronic ticket distribution authentication apparatus to the electronic ticket information master (Lewis: paragraphs 0010; 0021; 0025; 0027; 0030- 0031), and performing ticket issuing processing for writing the electronic ticket information concerning an electronic ticket for attending the event into the information storage chip based on the ticket issuing information by the electronic ticket platform center (Lewis: paragraphs 0010; 0021; 0025; 0027; 0030-

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0031; see smart card, handheld device 112, and wireless handheld device 182), wherein at least one of the plurality of electronic tickets are structured in a format that allows the at least one ticket to be assigned from the information storage chip to at least one other information storage chip using the electronic ticket platform center (Lewis: paragraphs 0027; 0029-0031; Lewis teaches the electronic ticket is structured in a format that allows the handheld device to transmit and receive ticket information to and from the vendor computer system/validation system. The Examiner notes, the claim merely recites the ticket is structured in a format that allows for the ticket to be assigned to another information storage chip. The step of actively performing the assigning step is not positively recited in the claim. Lewis teaches the ticket is structured in a format that allows for assigning the ticket to another information storage chip. Moreover, transmitting assigned electronic ticket information from the information storage chip to the vendor computer system and back to an information storage chip (assigning a ticket) is a duplication of parts. See *In re Harza*, 124 USPQ 378 (CCPA 1960) (Mere duplication of parts has no patentable significance unless new and unexpected result is produced). There is no new or unexpected result produced since the ticket information is simply assigned to an information storage chip.).

Lewis does not explicitly teach causing the electronic ticket platform center to: (i) assign at least one of the plurality of electronic tickets from the information storage chip to at least one other information storage chip, however teaches purchasing one or more tickets for an event (Lewis: paragraph 0010), and also discloses the use of a card 60

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that may also be a smart card which has embedded within the card a chip which has recorded therein information related to the validation code or UPC, seat location, and event. In the case of the use of a smart card for the season ticket pass, the card reader will be of the type capable of reading the information encoded on the smart card for verification and validation. Further, the card 60 may take on other forms or formats such as a CD-ROM, DVD, or a cassette tape in [0025]. Since the card may take on other forms or formats such as those listed above, this suggests that the electronic ticket assigned to the smart card is assigned to another information storage chip such as CD-ROM, DVD, etc.

It would have been obvious to one of ordinary skill in the art at the time the invention to teach causing the electronic ticket platform center to: (i) assign at least one of the plurality of electronic tickets from the information storage chip to at least one other information storage chip with the motivation of providing the ability to store the same information in different formats.

Lewis does not explicitly teach (ii) in response to said at least one of the plurality of electronic tickets being assigned, delete or nullify the at least one ticket from the information storage chip, however, Goldstein et al discloses loading multiple electronic tickets for a range of events onto a smart card in col. 3, lines 47-51, and also discloses in col. 5, lines 38-45 that an applet stored on smart card 100 is able to keep data private and thus inaccessible to other stored applets. This prevents one applet from corrupting

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or examining tickets associated with a particular venue applet, and that tickets are cancelled or deactivated after being presented to validation device, and individual tickets may also be deleted or overwritten. It therefore would be obvious to combine the teachings of Lewis and Goldstein et al to disclose (ii) in response to said at least one of the plurality of electronic tickets being assigned, delete or nullify the at least one ticket from the information storage chip.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose (ii) in response to said at least one of the plurality of electronic tickets being assigned, delete or nullify the at least one ticket from the information storage chip with the motivation of ensuring that a ticket already associated with a particular venue applet is safely assigned and kept separate from data on other stored applets.

As per claim 30, Lewis further teaches wherein the seller information authorizes a plurality of electronic ticket distribution authentication apparatuses and includes the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses, ([0020], lines 10-22 shows that the system is further capable of connecting or finding a website being hosted by a vendor computer system, and the customer computer is allowed access to the vendor computer system through the ISP system by use of a commonly available web browser or similar software package, also in [0022], it is shown that a validation system connected to or associated

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with the vendor computer system is placed at the location or site of the event, and a ticket is used at the validation system in order to enter the event, where information read or entered from the ticket is transmitted from the validation system to the vendor computer system, where it is verified that the ticket is valid for the event, and then a signal is sent from the vendor system to the validation system which permits the customer to enter, which in this case, represents authorizing the ticket transaction, and also in [0026], it is shown that a customer operating the customer computer is able to interact with the website being hosted by the vendor computer system to review events, select an event, purchase tickets, receive tickets, and pay for tickets, and customers may also be presented with various screens with such screens presenting information concerning events, seating available for such events, payment methods, and ticket prices for each event. In this case, since the customer is given payment option methods, and the customer goes through the vendor website to get these payment options in order to authorize by the validation segment, this suggests that this seller information on the website authorizes a plurality of electronic ticket distribution authentication apparatuses through the presentation of payment options. In addition, since this transaction through the vendor website allows for purchase and pay for tickets, the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses suggested since one needs to know the number of tickets that one needs to purchase so he or she can pay the proper amount.

It would have been obvious to one of ordinary skill in the art to incorporate the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses with the motivation of showing that the number of tickets must be incorporated in order to effectively manage ticket operations for event transactions.

As per claim 31, Lewis further teaches wherein the information storage chip is distributed as a membership card according to a membership registration via the electronic ticket distribution authentication apparatus (Lewis: paragraph 0025).

As per claim 33, Lewis further teaches wherein the request to distribute the electronic ticket information from the user is sent and the ticket issuing processing is performed by the electronic ticket platform center via a network (Lewis: paragraphs 0020; 0027).

As per claim 34, Lewis further teaches wherein an electronic ticket information distribution store terminal is provided, and the request to distribute the electronic ticket information from the user is sent and the ticket issuing processing is performed by the electronic ticket platform center via the electronic ticket information distribution store terminal (Lewis: paragraphs 0005-0006; 0020; 0027).

As per claim 35, Lewis further teaches wherein authentication processing by the electronic ticket platform center is required when the electronic ticket information is

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written into the information storage chip (Lewis: paragraphs 0010; 0021; 0026-0028; 0030).

As per claim 62, Lewis in view of Goldstein does not explicitly teach wherein the plurality of electronic tickets written to the storage chip correspond to a plurality of consecutive seats for the same event. However, any difference in the type of tickets stored and the plurality of electronic tickets written on the smart card taught by Goldstein is solely found in the non-functional descriptive material of the stored information. Non-functional descriptive material cannot lend patentability to an invention that would have otherwise been anticipated by the prior art. In re Ngai, 367 F.3d 1336, 1339; 70 USPQ2d 1862, 1864 (Fed. Cir. 2004); cf. In re Gulack, 703 F.2d 1381, 1385; 217 USPQ 401,404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641 in view of Goldstein et al., U.S. Patent No. 6,216,227 and further in view of Gebb, U.S. Patent No. 6,067,532.

As per claim 32, Lewis in view of Goldstein does not explicitly teach wherein a predetermined time period is provided between the distribution authentication processing performed by the electronic ticket distribution authentication apparatus and the ticket issuing processing performed by the electronic ticket platform center.

Gebb teaches a ticket server compares the current date with a predetermined time

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period before an event in order to determine if it is acceptable to redistribute a ticket to a new customer (Gebb: col. 2, lines 40-43; col. 7, lines 42-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis in view of Goldstein to have included wherein a predetermined time period is provided between the distribution authentication processing performed by the electronic ticket distribution authentication apparatus and the ticket issuing processing performed by the electronic ticket platform center as taught by Gebb for the advantage of preventing the purchase of tickets when there is insufficient time to obtain the tickets and attend the event (Gebb: col. 8, lines 6-11).

Response to Arguments

4. Applicant's arguments filed 6/15/09 have been fully considered but they are not persuasive.

As per claim 29, applicant argues that as amended, neither Lewis or Goldstein individually, nor the electronic ticket management method resulting from the combination of Lewis and Goldstein disclose causing a causing the electronic ticket platform center to: (i) assign at least one of the plurality of electronic tickets from the information storage chip to at least one other information storage chip; and (ii) in response to said at least one of the plurality of electronic tickets being assigned, delete or nullify the at least one ticket from the information storage chip. However, as now as cited in the rejection, Lewis discloses the use of a card 60 that may also be a smart card which has embedded within the card a chip which has recorded therein information

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related to the validation code or UPC, seat location, and event. In the case of the use of a smart card for the season ticket pass, the card reader will be of the type capable of reading the information encoded on the smart card for verification and validation.

Further, the card 60 may take on other forms or formats such as a CD-ROM, DVD, or a cassette tape in [0025]. Since the card may take on other forms or formats such as those listed above, this suggests that the electronic ticket assigned to the smart card is assigned to another information storage chip such as CD-ROM, DVD, etc.

Applicant argues that as amended, prior art does not disclose "causing the electronic ticket platform center to: (ii) delete or nullify the at least one ticket from the information storage chip." Applicant submits that by causing the electronic ticket platform center, as claimed, to assign and delete or nullify the electronic ticket information". However, as now shown in the rejection, Goldstein et al discloses loading multiple electronic tickets for a range of events onto a smart card in col. 3, lines 47-51, and also discloses in col. 5, lines 38-45 that an applet stored on smart card 100 is able to keep data private and thus inaccessible to other stored applets. This prevents one applet from corrupting or examining tickets associated with a particular venue applet, and that tickets are cancelled or deactivated after being presented to validation device, and individual tickets may also be deleted or overwritten. It therefore would be obvious to combine the teachings of Lewis and Goldstein et al to disclose (ii) in response to said at least one of the plurality of electronic tickets being assigned, delete or nullify the at least one ticket from the information storage chip with the motivation of ensuring that a ticket already

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associated with a particular venue applet is safely assigned and kept separate from data on other stored applets.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
October 12, 2009

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628